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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,696	09/30/2003	James McKernan	2705-0730	8141
73552 7590 11/25/2008 Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205				
EXAMINER				
EL CHANTIL, HUSSEIN A				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,696

Applicant(s)

MCKERNAN ET AL.

Examiner

HUSSEIN A. EL CHANTI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to election of claims 1-10 and 18-29 without traverse.

Claims 1-10 and 18-29 are pending examination. The restriction is made **FINAL**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 and 18-29 rejected under 35 U.S.C. 102(e) as being anticipated by Barzilai et al. U.S. Patent No. 7,225,460 (referred to hereafter as Barzilai).

As to claims 1 and 18, Barzilai teaches a method and a computer readable medium for migrating content on a network comprising:

accessing a migration file comprised of a plurality of network entries, each of said network entries comprised of one or more network addresses (see col. 9 lines 60-col. 10 lines 12 and col. 11 lines 8-col. 12 lines 8),

reformatting said migration file as a switch compliant file comprised of a switch compliant language, wherein said switch compliant language complies with one or more of Open Systems Interconnection (OSI) data connectivity model layers 4 to 7 (see col. 9 lines 60-col. 10 lines 12 and col. 11 lines 8-col. 12 lines 8);

receiving a request to access a current network address, wherein said current network address and a new network address are associated with one entry of said plurality of network entries (see col. 13 lines 60-col. 14 lines 8),

automatically directing the request to access said current network address to said new network address based on an analysis of said one entry in said switch compliant file (see col. 13 lines 60-col. 14 lines 8).

As to claim 2, Barzilai teaches the method as recited in Claim 1 further comprising:

Reading a status of said one entry from said migration file (see col. 11 lines 8-50).

As to claim 3, Barzilai teaches the method as recited in Claim 2 wherein said spreadsheet template comprises:

parsed with scripts to create switch compliant files (see col. 9 lines 60-67).

As to claim 4, Barzilai teaches the method as recited in Claim 3 wherein said switch compliant files are in extensible markup language (XML) format (see col. 9 lines 60-67).

As to claim 5, Barzilai teaches the method as recited in Claim 4 wherein said switch compliant files are uploaded to the content switch via additional scripts (see col. 9 lines 60-67).

As to claim 6, Barzilai teaches the method as recited in Claim 1 wherein said content switch is a layer 4-7 switch (see col. 9 lines 60-67).

As to claim 7, Barzilai teaches the method as recited in Claim 1 wherein said new environment is on a new server distinct from a server maintaining an old environment (see col. 11 lines 66-col. 12 lines 16).

As to claim 8, Barzilai teaches the method as recited in Claim 1 wherein said new environment is on a same server as an old environment (see col. 11 lines 66-col. 12 lines 16).

As to claim 9, Barzilai teaches the method as recited in Claim 1 wherein said new environment is partially on a new server distinct from a server maintaining said old environment and partially on a same server as said old environment (see col. 11 lines 66-col. 12 lines 56).

As to claim 10, Barzilai teaches the method as recited in Claim 1 further comprising:

rolling back said content switch to direct access to an old environment if said new environment is unacceptable (see col. 11 lines 66-col. 12 lines 56).

Claims 19-29 do not teach or define additional limitations over claims 1-10 and 18 and therefore are rejected for similar reasons.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HUSSEIN A. EL CHANTI** whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

Nov. 18, 2008

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457